

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : ZIMMERMANN, et al.

Customer No.: 35969

International Application No.: PCT/EP05/002571

U.S. Serial No.: 10/594,343

Filed: September 26, 2006

For: ANTIVIRAL 4-AMINOCARBONYLAMINO-SUBSTITUTED
IMIDAZOLE COMPOUNDS

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7/19/07
Mariellen Chapdelaine
Signature of Person Certifying/Mariellen Chapdelaine

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Response to Notification of Missing Requirements

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Patent and Trademark Office dated 21 May 2007, the following documents are attached:

- Copy of the Notification of Missing Requirements under 35 U.S.C. 371;
- Combined Declaration and Power of Attorney (ONE ORIGINAL);
- Transmittal Letter (DUPLICATE);and
- Return Receipt Postcard.

As indicated in the enclosed Transmittal, the Commissioner is authorized to charge the outstanding fee(s) which are due for this application including any additional claim fee(s) and the surcharge for the late filing of the fees/oath or declaration, together with any additional fees required by this response, to Deposit Account No. 13-3372.

Phone: (203) 812-2786
Fax: (203) 812-6459
Date: 7/19/07

Respectfully submitted,

Barbara A. Shimei
Barbara A. Shimei
Reg. No. 29,862
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/594,343	Holger Zimmermann	BHC 03 1095

INTERNATIONAL APPLICATION NO.

PCT/EP05/02571

I.A. FILING DATE

PRIORITY DATE

03/11/2005

03/26/2004

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

CONFIRMATION NO. 4690

371 FORMALITIES LETTER



OC000000023959141

Date Mailed: 05/21/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/26/2006
- English Translation of the IA filed on 09/26/2006
- Copy of the International Search Report filed on 09/26/2006
- Information Disclosure Statements filed on 09/26/2006
- Request for Immediate Examination filed on 09/26/2006
- U.S. Basic National Fees filed on 09/26/2006
- Priority Documents filed on 09/26/2006
- Specification filed on 09/26/2006
- Claims filed on 09/26/2006
- Abstracts filed on 09/26/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$490** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 360**
 - **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/594,343	PCT/EP05/02571	BHC 03 1095

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
BHC 63-1095
IAPEBEC-PCT/PTO 23 JUL 2007

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/594,343

INTERNATIONAL APPLICATION NO.
PCT/EP05/002571

INTERNATIONAL FILING DATE
11 March 2005 (11/3/05)

PRIORITY DATE CLAIMED
26 March 2004 (26/3/04)

TITLE OF INVENTION **ANTIVIRAL 4-AMINOCARBONYLAMINO-SUBSTITUTED IMIDAZOLE COMPOUNDS**

APPLICANT(S) FOR DO/EO/US

ZIMMERMANN, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **1. Response to Notification of Missing Parts with Mail Certificate; 2. Return Receipt Postcard; 3. Copy of Notification of Missing Requirements.**

Date of Deposit: **7/19/07**
First Class Mail

ORIGINAL

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/594,343		PCT/EP05/002571		BHC 03 1095	

21. The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee..... \$200.00 <input checked="" type="checkbox"/> c) Search fee..... \$500.00 TOTAL OF ABOVE CALCULATIONS = \$1000.00 <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				Applicant use	Office use only
				\$	
				\$	
				\$	
				\$	

Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x \$250.00	\$

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
---	--	--	--	------------------	--

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 490.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 490.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 490.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 490.00	

07/24/2007 GFREY1 00000128 133372 10594343 01 C:1617 130.00 DA 02 C:1616 360.00 DA	Amount to be refunded: Amount to be charged		\$ \$
--	--	--	--------------

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. **13-3372** in the amount of \$ **490.00** to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **13-3372**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO: Customer No. 35969

Barbara A. Shimei
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516

SIGNATURE
Barbara A. Shimei
 NAME
29,862
 REGISTRATION NUMBER